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September 17, 2010

Via Electronic Filing

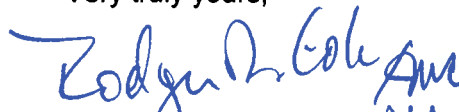
Honorable Joseph C. Spero
United States Magistrate Judge
U.S. District Court for the
Northern District of California
450 Golden Gate Avenue
San Francisco, California 94102


**Re: Actuate Corporation v. International Business Machines Corporation, et al.,
Case No. CV 09-5892 JCS
Further Case Management Conference Scheduled for September 24, 2010**

Dear Judge Spero:

As the Court may recall, the parties to the above-entitled action were scheduled to, and did, participate in a mediation with the Honorable Edward A. Infante (Ret.) yesterday, September 16, 2010. We are pleased to report that the mediation was successful, with the parties agreeing to resolve the dispute in full. The parties contemplate submitting a stipulation of dismissal of the entire action within the next few weeks, following further documentation of the settlement and transmittal of the settlement payment. In light of this development, the parties respectfully suggest that the further Case Management Conference scheduled for next Friday, September 24, 2010, is unnecessary and request that the Court take the CMC off calendar.

Very truly yours,


Rodger R. Cole
Attorneys for Plaintiff
ACTUATE CORPORATION
See with authorization


Michael L. Charlson
Attorneys for Defendants
INTERNATIONAL BUSINESS MACHINES
CORPORATION and MRO SOFTWARE, INC.

IT IS HEREBY ORDERED that the further case management conference set for Sept. 24, 2010, at 1:30 p.m., has been continued to October 22, 2010, at 1:30 p.m. An updated joint case management conference statement shall be due by October 15, 2010.

Dated: 9/21/10

